

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on January 12, 2010 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-6, 8-15, 18 and 20-25 are pending in this application, where claim 25 has been currently added. Claims 1, 5-6 and 8-9 are independent.

In the Office Action, claims 1-2, 4-6, 8-15 and 20-24 are rejected under 35 U.S.C. §103(a) over WO 01/90860 (Schwartz) in view of U.S. Patent No. 6,405,203 (Collart). Further, claim 18 is rejected under 35 U.S.C. §103(a) over Schwartz in view of Collart and U.S. Patent Application Publication No. 2003/0110192 (Valente). It is respectfully submitted that claims 1-2, 4-6, 8-15, 18 and 20-25 are patentable over Schwartz, Collart and Valente for at least the following reasons.

Schwartz is directed to a method for authenticating that a specified pre-recorded media (e.g., CD) is inserted into a drive for granting access to restricted content related to a specific prerecorded media. As correctly noted on page 5, first full

paragraph of the Office Action, Schwartz does not disclose or suggest that "the memory medium properties include a region code of the memory medium," as recited in independent claims 1, 5-6 and 8-9. Collart is cited in an attempt to remedy the deficiencies in Schwartz.

Collart is directed to a method for preventing unauthorized users from using the content of an electronic storage medium, where distribution of content is electronically tracked. As shown in FIG 2 and described on column 19, lines 7-25, information collected by a RemoteTrak/BCATrak Server 230 is used to track pirated DVDs, and report the information back to the manufacturer, the distributor and the retailer. This capability provides the ability to localize pirated discs to a specific region/retailer where illegal region code use is tracked and potentially trace back to retailer/distributor.

It is respectfully submitted that Schwartz, Collart, and combination thereof do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5-6 and 8-9 which, amongst other patentable elements, recites (illustrative emphasis provided):

authenticating the memory medium by comparing

said memory medium properties with corresponding properties of a corresponding memory medium legally produced by a provider, **before sending the additional data to the device,...**

wherein the memory medium properties include a region code of the memory medium.

Authenticating a memory medium using a region code before sending the additional data to the device is nowhere disclosed or suggested in Schwartz and Collart, alone or in combination. Rather, in Collart, region codes are used to track pirated DVDs and trace the back to a retailer/distributor. Valente is cited to allegedly show other features and does not remedy the deficiencies in Schwartz and Collart.

Accordingly, it is respectfully requested that independent claims 1, 5-6 and 8-9 be allowed. In addition, it is respectfully submitted that claims 2, 4, 10-15, 18 and 20-25 should also be allowed at least based on their dependence from independent claims 1 and 5-6 as well as their individually patentable elements, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.


For example, "wherein the additional data includes advertisement depending on the region code," as recited in claims

20 and 23-24 is nowhere disclosed or suggested Schwartz, Collart, Valente, and combinations thereof. Rather, Collart discloses in FIG 8, box 850, and column 21, lines 38-40 to merely display "advertising banner associated with original retailer ... in the web site 810." It is respectfully submitted that displaying advertising on a web site does not disclose or suggest sending to the device additional data includes advertisement depending on the region code, as recited in claims 20 and 23-24.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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